IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.20827-M of 2006
Date of Decision:- 20.02.2007

Mandeep Singh ....Petitioner(s)

through
Mr.Vishal Sharma, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

In this petition, the petitioner impugns the order dated 15.4.2004 passed by the learned Additional Sessions Judge (Ad hoc), Ludhiana whereby he has been summoned under Section 319 Cr.P.C. to face trial in case F.I.R.No.21 dated 29.2.2000 registered under Sections 323/324/364/511/148/149 Cr.P.C. at Police Station, Division No.2, Ludhiana.

There is no denial to the fact that along with the petitioner one Shashi Sharma was also summoned to face trial in the above-stated case vide the said impugned order. The said Shashi Sharma had filed Crl.Misc.No.19828-M of 2005 which was disposed of by this Court vide order dated September 22, 2005 (Annexure P-2) whereby the operation of the summoning order qua Shashi Sharma was stayed and the trial proceedings in the F.I.R. in question qua him were directed to be kept in abeyance till the Sessions trial case pursuant to F.I.R.No.20 dated 9.2.2004 under Sections 302/34/120-B IPC and 25/54/59 of the Arms Act registered at Police Station, Haibowal District Ludhiana, is decided.

For the reasons already given in **Shashi Sharma's case** (supra), this petition is disposed of with a direction that the order dated April 15, 2004 whereby the petitioner has been summoned to face trial as well as the trial proceedings arising out of F.I.R.No.21 dated 29.2.2000 registered under Sections 323/324/364/511/148/149 Cr.P.C. at Police Station, Division No.2, Ludhiana shall remain in abeyance till the sessions trial in F.I.R.No.20 dated 9.2.2004 under Sections 302/34/120-B IPC and 25/54/59 of the Arms Act registered at Police Station, Haibowal District Ludhiana is decided. Thereafter, it will be open for the complainant (Raman Rana) and/or the petitioner, as the case may be, to move an application to get the present proceedings revived after the conclusion of the trial in the above-mentioned murder case. It is also directed that the personal appearance of the petitioner before the learned trial Court shall remain exempted till the proceedings are got revived, if so advised.

February 20, 2007 **(SURYA KANT)**
poonam **JUDGE**